

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4105/1dn  
JEO:kmg:kjf

February 9, 2000

Please review the initial applicability provisions carefully to make sure that they do what you want them to do. Note that there is a specific provision dealing with the new petition requirements.

Proposed s. 118.125 (2) (ck) may conflict with federal law concerning the release of school records. See 34 CFR 99.31 (a) (5) (i) (B) and 99.38. Federal law does permit school records to be released pursuant to a court order or subpoena. See 34 CFR 99.31 (a) (9) (i).

I think that the definition of "treatment records" under s. 51.30 (1) (b), stats., is very broad, given the definition of "mental illness" under s. 51.01 (13) (a), stats., and "treatment facility" under s. 51.01 (19), stats. Thus, this draft leaves intact the reference to "treatment records" in proposed s. 980.031 (4) (which is derived from current s. 980.03 (4), stats.).

Under the proposed change to s. 911.01 (4) (c), stats., the rules of evidence will not apply in hearings to a jury under s. 980.09, stats. Is that your intent?

Let me know if you have any questions or changes.

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